

THE REGISTER.

MARK W. DELAHAY.....EDITOR.

LEAVENWORTH CITY.

SATURDAY MORNING, JULY 7, 1855.

THE KANSAS TERRITORIAL REGISTER.

Believing that a weekly journal, upon a proper and liberal basis, devoted to the interests of the Territory of Kansas, will meet with encouragement and support, we have issued our first paper. It will be proper to give to the rules by which our actions will be governed.

We shall eschew any form of religious worship. We shall be enemies to the peace of the family throughout the Territory. We will defend the law, and its violation upon this rule we shall have no comment. We shall have no comment upon all questions of the Register. We shall protect and defend the more important interests of the Territory as the sense of the people shall require.



Editor Mark Delahay and a portion of the first issue of his Kansas Territorial Register, published July 7, 1855.

The Hidden History of Bleeding Kansas

Leavenworth and the Formation of the Free-State Movement

by Rita G. Napier

A former slaveholder and a native of Maryland, Mark Delahay came to Kansas in 1855 to argue for popular sovereignty, but ultimately his Leavenworth newspaper, the *Kansas Territorial Register*, became the voice of one of the largest contingents of free-state advocates in the territory. Initially, he accepted the idea of slavery if the people chose it, but witnessing the conflict in the territory transformed him into a powerful advocate for the extension of freedom to Kansas. Although his *Kansas Territorial Register* was a moderate, even conservative, paper, it increasingly became anathema to the ultra proslavery men on the Missouri–Kansas border. In December 1855, just as the free-state Topeka government was taking form, a group of proslavery partisans stilled that voice by heaving Delahay’s printing press into the icy Missouri River.

Delahay directly challenged the arguments of the proslavery extremists and critiqued their behavior, urging a moderate course in political affairs. He initially attacked extremists on both sides of the slavery issue. For him popular sovereignty provided a middle-of-the-road, democratic solution to the divisive question of slavery extension into the territory. He trusted the people to make the right choices, and he admonished the losers to accept the results peaceably. As he experienced firsthand attacks on what he considered to be sacred American rights such as freedom of speech and of the press, he began to transform his position and to work actively to shape the free-state movement.

Rita Napier earned her Ph.D. at American University and serves as an associate professor of history at the University of Kansas. Her research interests include Plains Indians, the urban frontier, development of democracy in the American West, and American land law and tenure. She is the editor of *Kansas and the West: New Perspectives* (2003).

Kansas History: A Journal of the Central Plains 27 (Spring–Summer 2004): 44–61.

Sec. Mr. Delahay, of Lawrence, at
 afford the following Resolution---
 Resolved That this Convention, approve
 the principle of non interference in the
 local affairs of Kansas, as recom-
 mended by the "Nebraska, Kansas Act,"
 and that this Convention recommend
 to the people of Kansas a strict ob-
 servance of the principles laid down
 in said act.

Because the free-state movement is one of the most profound events in the history of Bleeding Kansas, we cannot ignore the role of the moderates in the territory and focus only on the more celebrated individuals such as Charles Robinson and James Lane. In this document (left), from the journal of the Topeka Constitutional Convention, October 26, 1855, Leavenworth's Mark Delahay addresses the critical issue of popular sovereignty, stating his belief that the people of Kansas should strictly observe the principles of the Kansas-Nebraska Act.

The formation of the free-state movement is one of the most profound and celebrated events in the history of Bleeding Kansas—indeed in all of Kansas history. Historians credit it with the triumph of freedom in Kansas. Since the 1960s serious students of Bleeding Kansas and pre-Civil War incidents have related a narrative of early events in Kansas leading to the existence of two polarized forces, both of which used very similar tactics to enforce their viewpoints. The Kansas-Nebraska Act gave new life to the controversy about the extension of slavery into the West. Debate over the law aroused tempers, and an extremely competitive spirit animated plans to settle Kansas. The New England Emigrant Aid Society's effort to send anti-slavery emigrants to Kansas raised the ire of the ultra proslavery people on Missouri's western border. In response they organized groups sympathetic to the proslavery cause, urging them to take up claims and vote in the territorial elections, even if they were not Kansas residents. Their fraudulent voting elected a proslavery delegate to Congress in the fall of 1854 and a proslavery legislature in March 1855. The legislature, meeting in the summer of 1855, then passed a "draconian" set of laws protecting slavery and restricting the political rights of white men.¹

According to this early understanding of the events, antislavery men responded by forming a movement to make Kansas a free state. These men, particularly in and around Lawrence, condemned the fraudulent voting in the elections for legislative representatives and scathingly attacked the slave code passed by the legislature elected in March 1855. Under the leadership of Charles Robinson, James H. Lane, and other Lawrence men, they organized resistance in early September 1855 by forging the Free State Party. In October delegates from around the territory met again to write a constitution preparatory to asking admission as a state. This Topeka Constitution became the basis for the creation of an alternative government in Kansas that was the focus for opposition to proslavery control.²

This summary of Kansas territorial history, passed on to us by scholars for the past forty years, primarily focuses on the relationship between events in territorial Kansas and the coming of the Civil War. Unfortunately, previous students of the subject relied primarily on older studies of Bleeding Kansas, and they have not revised their narratives to reflect new topics, new research, or major changes in analysis.³ In one case historians were cognizant of new

1. James McPherson, *The Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988); David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher (New York: Harper and Row, 1976); Kenneth M. Stampp, *America in 1857: A Nation on the Brink*

(New York: Oxford University Press, 1990); Michael A. Morrison, *Slavery and the American West* (Chapel Hill: University of North Carolina Press, 1997).

2. *Ibid.*

3. See, in particular, Eugene H. Berwanger, *The Frontier Against Slavery* (Urbana: University of Illinois Press, 1967, 1971).

trends when they gave primary attention to the most radical antislavery participants in the territory. They failed to properly recognize the importance of moderate and conservative men in cementing the ties between divisive factions, however. Although race and racism were emphasized as early as 1967, studies written by earlier scholars ignore most of the implications of that work.⁴

Although historians have concentrated recently on the interior history of territorial Kansas, a number of questions remain unanswered. In her excellent review essay "Bleeding Kansas," historian Gunja SenGupta insightfully discussed many new contributions as well as existing gaps in our knowledge. She gave particular emphasis to the nature of proslavery ideology, the role of free-labor republicanism, the desire for exclusion of blacks from Kansas, the institution of slavery itself, participation of women, and the role of African Americans in Bleeding Kansas. As she points out, much important work is still to be done.⁵

This article addresses some of the key problems in the traditional narrative and raises a number of significant issues. Should the focus of the narrative be on Lawrence to the exclusion of other significant free-state communities or enclaves? Did any moderates residing in the territory dislike the state of affairs in 1855 but attempt to seek compromise? Did they oppose only proslavery extremists or antislavery extremists as well? Does it matter that others may have been responsible for developing the free-state movement? Implied in the traditional narrative is that men such as Charles Robinson, one of the more extreme antislavery leaders, molded the movement's character. But the second leader named is Jim Lane, who certainly did not support blacks and did not arrive in Kansas as an antislavery man. Did he mold the movement in his image? Or did others, not usually recognized, play crucial roles in defining the moment?⁶

4. Gunja SenGupta, "Bleeding Kansas: A Review Essay," *Kansas History: A Journal of the Central Plains* 24 (Winter 2001–2002): 330–42; Berwanger, *The Frontier Against Slavery*; James A. Rawley, *Race and Politics: "Bleeding Kansas and the Coming of the Civil War"* (Philadelphia: J. B. Lipincott Co., 1969).

5. SenGupta, "Bleeding Kansas: A Review Essay"; Nicole Etcheson's *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004) does much to correct these omissions. However, she does not address the key arguments of this article—that we cannot fully understand the free-state movement without recognizing the major role of the large free-state contingent in Leavenworth.

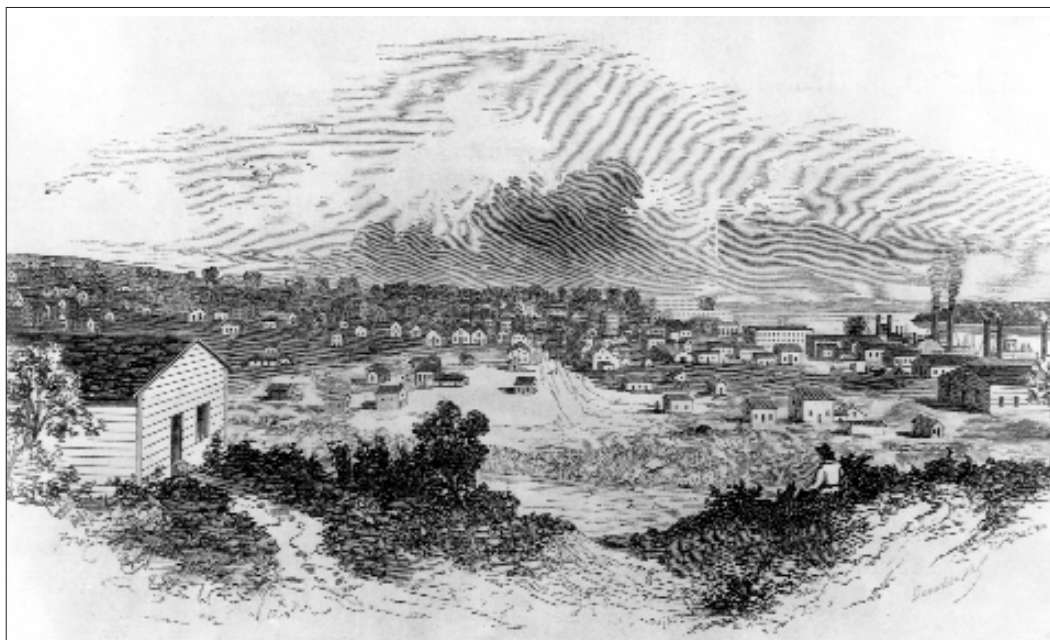
6. The findings of a number of historians suggest this critique. See James C. Malin, "The Topeka Statehood Movement Reconsidered: Origins," in *Territorial Kansas: Studies Commemorating the Centennial* (Lawrence: University of Kansas Press, 1954), 33–69; Bill Cecil-Fronsman, "'Advocate the Freedom of White Men, As Well as That of Negroes': The

Related issues arising involve the view that polarized forces faced off from the beginning. This interpretation is problematic. It ignores the complex series of events in the summer and early fall of 1855 when the people participating in the developing free-state coalition struggled mightily to overcome numerous problems and find positions on which they agreed. It seems likely that this struggle tells us more about the free-state movement than the simple polarization of proslavery and antislavery forces at the center of the traditional narrative. Since we know that many of those who voted and fought for the movement were not moral antislavery advocates as was Robinson, what did they vote and fight for? Since Lane basically was the antithesis of Robinson, how could the two men share leadership of this coalition? Did their views simply reflect their reactions to the proslavery legislature?

The standard narrative of territorial Kansas largely ignores most of the critical summer of 1855. Did others in Kansas, like Lane, oppose blacks more than slavery? If so, how did they help define the movement? Since the moral antislavery people formed a small minority in Kansas, is it possible that others in what appears to be the great "unformed middle" gave the movement its character? Was that character formed, at least in considerable part, during events and discussions in summer and early fall that this traditional narrative treats so sparsely?

Historians largely have ignored the roles of Mark Delahay, his newspaper the *Kansas Territorial Register*, and Leavenworth free-state supporters. Since proslavery partisans destroyed the *Register* because of its outspoken support of the free-state cause, and Delahay and others from Leavenworth participated in writing the Topeka Constitution and served in the Topeka government, it is odd that historians have characterized Leavenworth as proslavery and failed to see the strong role a substantial portion of its population played in the Topeka (or free-state) movement. Historians consistently have told the Bleeding Kansas story from the perspectives of New England and the northeastern United States. Authors from this perspective, several of whom were from Lawrence, produced a prodigious body of influential literature from that point of view, and the antislavery proponents who started the Kansas State Historical Society magnified and

Kansas Free State and Antislavery Westerners in Territorial Kansas, " *Kansas History: A Journal of the Central Plains* 20 (Summer 1997): 102–15; Rawley, *Race and Politics*; Berwanger, *The Frontier Against Slavery*.



One of the most important economic sites in the territory, Leavenworth was a primary target for proslavery control. This sketch, entitled *City of Leavenworth, Kansas Territory*, was published in the December 25, 1858, issue of Frank Leslie's Illustrated Newspaper.

institutionalized the New Englanders' influence. They preserved documents largely from the moral antislavery perspective, few from the moderate free-state position, and almost none from the proslavery side. Journalists who believed in the moral antislavery view and who themselves fought in battles and raids on the free-state side further intensified this slant on Bleeding Kansas by extensive reporting for eastern newspapers. Writers in Kansas successfully narrated the conflict from a perspective that excluded less radical but active and numerous Leavenworth participants. Perhaps the most familiar of these writers were Charles and Sara Robinson who, as SenGupta pointed out, "valorized" the Yankee legacy. They also demonized the proslavery side and ignored the large middle that constituted the majority of the free-state support and leadership.⁷

Although neglected, sources testifying to the importance of free-state forces and leaders outside of Lawrence are extant. The most obvious is the *Kansas Territorial Register*, which illustrates the process by which large numbers of uncommitted individuals became enthusiastic supporters of the free-state movement. One of the least used but significant of these sources is the compiled testimony given before the 1857 claims commission on damages sustained during Bleeding Kansas. This rich body of primary

sources details, for example, how "regulators" drove large numbers of free-state supporters out of Leavenworth in 1856 at bayonet point and told them never to return. These freestaters' businesses then were sacked, trashed, and in some cases burned. Another major set of records that has not been well utilized but provides the basis for a more evenhanded approach is the *Howard Report*, created by a special three-member committee sent in 1856 by the U.S. House of Representatives to investigate election frauds. It contains a large mass of testimony on the fraudulent elections of 1854 and 1855 but includes a great deal of other evidence as well. Historians have tended to take material from the committee's conclusions without systematically examining the extensive testimony upon which it was based, thus missing any material that might have provided a different perspective.⁸

Once the moral antislavery perspective became entrenched in the literature, it was very difficult to dislodge. Current views on race and slavery create the uncomfortable dichotomy of a free-state movement in which the majority wished to exclude black people from the state, even though that fact facilitates an understanding of the immediate segregation imposed in Kansas after statehood. Ironically, many historians have dismissed their peer James C. Malin, who first fought to utilize new documents and incorporate other perspectives while questioning the primacy of the moral antislavery people; some have labeled him

7. SenGupta, "Bleeding Kansas: A Review Essay," 321; Bernard A. Weisberger, "The Newspaper Reporter and the Kansas Imbroglio," *Mississippi Valley Historical Review* 36 (March 1950): 633–56; Charles Robinson, *The Kansas Conflict* (Lawrence, Kans.: Journal Publishing Co., 1898); Sara T. D. Robinson, *Kansas: Its Interior and Exterior Life* (1856; reprint, Lawrence: Kansas Heritage Press, 1990).

8. *Kansas Claims*, 36th Cong., 2d sess., 1861, H. Rept. 104, serial 1106; *Kansas Affairs, Special Committee Appointed to Investigate the Troubles in the Territory of Kansas*, 34th Cong., 1st sess., 1856, H. Rept. 200, serial 869.

proslavery. This kind of characterization mimics the false labeling of the Bleeding Kansas period when the moral antislavery partisans tagged all their detractors “proslavery,” and the proslavery partisans used the epithet “abolitionist” for their opponents. Only recently have historians successfully begun to unravel the legend to better understand the more broadly based circumstances. The Leavenworth experience promises to expand substantially our knowledge of territorial Kansas and to answer some of the key questions previously raised. The story of the transformation to the free-state cause and the struggle to maintain political strength in Leavenworth is central to the Bleeding Kansas narrative. The *Register*, initially a National Democratic paper with a large local following, attempted to create an alternative to both the ultra proslavery forces on the border and the radical antislavery advocates farther into the interior of the territory. In the late summer of 1855 the *Register* shifted to a free-state position and rallied its readers to the cause.

At a time when institutions and associations were quite malleable, while Kansans still struggled to determine the position on issues that would make a party and a movement, Leavenworth residents influenced the movement’s initial emphasis on the people’s right to define their own government and reinforced the vital importance of black exclusion after the abolition of slavery. The *Register* strongly supported both popular sovereignty and black inferiority. Exclusion was crucial to the compromise that eventually created the free-state movement. According to Robert G. Elliott, a main organizer of the Big Springs Convention at which the Free State Party was formed, key Leavenworth leaders made major contributions to the movement. A large bloc of Leavenworth freestaters participated at every step in defining the character of the movement and gave the second largest vote, 514 (Lawrence polled 557), at the election for delegates to “form a constitution” on October 9, 1855. Six men from the Leavenworth precinct participated in writing the Topeka Constitution, and a number of Leavenworth men served in the government elected under that document. Indeed it seems likely that a strong, territory-wide movement might not have been launched without the participation of the free-state men of Leavenworth.⁹

9. Cecil-Fronsman, “‘Advocate the Freedom of White Men, As Well as That of Negroes,’” 110–11; R. G. Elliott, “The Big Springs Convention,” *Kansas Historical Collections*, 1903–1904 8 (1904): 362–77; Malin, “The Topeka Statehood Movement Reconsidered,” 48, 46; *Kansas Affairs, Special Committee Appointed to Investigate the Troubles in the Territory of Kansas*, 698–703.

When Delahay arrived in territorial Kansas to establish the *Register*, newspapers were highly politicized. They defined issues, rallied the faithful, smeared their opponents’ reputations, slanted reports on events, and often promoted the economic interests of specific groups. Nineteenth-century newspapers did not subscribe to today’s professional standards of objectivity. When Delahay began publication of the *Register* in July 1855, major newspapers already were radicalized over the extension of slavery and political control of Kansas. Most notably the Atchison *Squatter Sovereign* was a fire-eating proslavery paper that regularly took the most extreme position in the territory. The Leavenworth *Kansas Weekly Herald* was only slightly less extreme. In Lawrence the New England Emigrant Aid Society subsidized the *Herald of Freedom*, which was edited by George W. Brown and expressed a northeastern antislavery position. Shortly after the first issue of the *Herald* appeared, Robert G. Elliott and Josiah Miller published the first issue of the *Kansas Free State*, a politically moderate antislavery competitor that stressed the need for a political position designed to draw the different antislavery factions together. Delahay’s newspaper also was moderate, but it promoted the principles of the Democratic Party as the basis for common cause. Popular sovereignty was his guidepost; the people and not the proslavery or antislavery extremists should define the institutions of Kansas. While he accepted the possibility of slavery in Kansas, in the absence of slavery as a system of social control, Delahay preferred the exclusion of blacks.¹⁰

In early July the *Register* elaborately laid out its principles and plans for Kansas. The organization of the Democratic Party was Delahay’s chief goal, and in the first issue of the *Territorial Register* he wrote: “We hope to be able to announce a perfect organization of a Democratic party in Kansas Territory.” Delahay proudly identified himself as a National Democrat of the Young America stamp who put preservation of the Union above all else. This goal, boldly stated in print, immediately landed Delahay in the middle of the controversy over control of Kansas between ultra proslavery partisans and moral antislavery proponents.¹¹

10. Herbert Flint, “Journalism in Territorial Kansas” (master’s thesis, University of Kansas, 1916); Cecil-Fronsman, “‘Advocate the Freedom of White Men, As Well as That of Negroes,’” 102–15.

11. “The Kansas Territorial Register,” *Kansas Territorial Register* (Leavenworth), July 7, 1855; *ibid.*, August 4, 1855. While Delahay issued his “Prospectus” for the *Kansas Territorial Register* in the July 7 issue, the newspaper did not title this item “Prospectus” until the July 21 issue; it then appeared in every issue following. Also of interest here is Edward L. Widmer, *Young America: The Flowering of Democracy in New York City* (New York: Oxford University Press, 1999).

THE REGISTER.

MARK W. DELAHAY.....EDITOR.

LEAVENWORTH CITY.

SATURDAY MORNING, JULY 28, 1855.

Our Position.

The position taken by the Squatter Sovereign and Kansas Herald, in their last numbers, relative to the organization of the Democratic party, requires attention at the hands of a press devoted to the interests of that party. They pronounce the old issues of Democrat and Whig *obsolete*—affix to them the appellation of “old fogyism”—consider them entirely inapplicable to the wants of the Territory, and even calls the man *foolish* and *sinister* in his purposes

Delahay's chief goal was the organization of the Democratic Party, an ambition that placed him in the middle of controversy between ultra proslavery partisans and moral antislavery proponents.

As Delahay described it, the Democratic Party fit the middle ground between two conflicting extremes. On one side were fanatics who placed abolishing slavery above the Union; on the other were extremists who believed extending slavery to be of greater importance than loyalty to country. In direct contrast to the two factions, the Democratic Party stood for majority rule. The right of the people to govern themselves was a cardinal principle. Delahay indicated that he had not been present at the controversial spring election on March 30, 1855, where fraud was alleged in the election of the first territorial legislature, but his newspaper stood for the principles of the Kansas-Nebraska Act and its popular sovereignty provision, and in the future “we wish to see them fully carried out.” No illegal voting should be allowed, thus ensuring that the people would govern. We can, he wrote, “trust the people to protect the interests of Kansas.” By rallying all reasonable people to these principles, the Democratic Party could be the “great unifier.”¹²

12. *Kansas Territorial Register*, August 4, 1855. Delahay's position on the Democratic Party is nearly identical to that of Stephen Douglas. Jean H. Baker, *Affairs of Party: The Political Culture of Northern Democrats in the Mid-Nineteenth Century* (Ithaca: Cornell University Press, 1983), 183–92.

The Democratic Party, Delahay argued, stood for the protection of different interests. The party of Jefferson and Jackson actively worked to support the rights of all sections, hence eliminating the need for sectional parties with narrow and disruptive goals. Further, the editor pointed out, in promoting the party's organization, the Democrats always had “protected every class, giving equal laws [and] can claim that the masses owe their protection to that party, against unjust and partial legislation.”¹³

The party “aims to protect every man.” Consequently, it favored no particular group or interest. Rather it sought to put protective arms around all and to resolve conflictual interests. As a national party, the Democrats promoted harmony between sections, factions, and other diverse interests. Fanatics and demagogues, Delahay wrote, cannot appreciate the cooperative nature of party. In Kansas the Democratic Party's mission was to “uphold the glorious principles of the party and the glory of our country.” It would fight against “sectional strife and the fanatical prejudices of birth-place.”¹⁴

In the face of a Kansas Territory already polarized, the *Territorial Register* was unabashedly national in its prospectus. The paper boomed out its root message in its first edition on July 7, 1855, and thereafter hammered it home in each issue. Delahay believed the great republican experiment had succeeded, and now it must be perpetuated in the face of attacks from extremists.

The REGISTER will be free from all sectional prepossessions; will stand firmly by the sovereignty of the people, defending THEIR RIGHT IN MOULDING FOR THEMSELVES THEIR OWN LAWS AND INSTITUTIONS. The REGISTER will stand firmly in the front ranks doing battle for the supremacy of the laws of the land, and if it falls, it will be found at the head of the column, leading the patriotic lovers of the American Constitution; adhering to those political land-marks laid down by JEFFERSON and JACKSON, and regard them worthy of imitation, as much at this day and hour, as when the host of the Hermitage was at home.¹⁵

In Delahay's view, the laws and government of the United States held the people sovereign and amply shielded their rights and interests. The same government had

13. “Friends of the South,” *Kansas Territorial Register*, July 7, 1855.

14. “Prospectus of the Kansas Territorial Register,” *ibid.*, July 21, 1855; “Bogus Democrats,” *ibid.*, August 4, 1855; “Friends of the South”; “Party Organization,” *Kansas Territorial Register*, July 21, 1855.

15. “Prospectus of the Kansas Territorial Register.”

protected people from all sections including the slaveholders of the South. It also gave each citizen "security in his life, liberty and property." The country had welcomed different peoples with diverse interests and had protected them all. In the face of the current strife over sectional interests and the institution of slavery, "We shall be content with the perpetual union of the states."¹⁶

The *Territorial Register* championed a democratic solution to the question of the kind of society and institutions that would be transferred and planted successfully in Kansas. These choices presented the great Kansas dilemma. Emphatically the editor argued that the solution had to be in choices made by the people, and a framework for that decision was embedded in the Kansas-Nebraska Act, which embodied American democracy. It laid down the principles by which people were to settle, build an economy, and define a society. That principle was the sovereignty of the people, and the shared ground on which they could build were the principles of democratic society. All would accept the decisions of the majority.¹⁷

Instead of the conflict already intruding into the civil society of Kansas, the *Register* imagined a different process. In his vision for the territory, editor Delahay saw people from all sections mingling together amicably. Social differences would be respected or at least ignored. Indeed, as Delahay asserted flatly, people would mind their own business and not meddle in the affairs of others. Fanatics would not intrude on social relations by trying to force others to see and behave differently. They should, in other words, be prepared to live in a democratic society. All would "abide by the laws and institutions made by the *vox populi*, and submit without a murmur to whatever cast may be given to the institutions made by the people of Kansas." These types of people, these types of social relations Delahay envisioned for Kansas Territory.¹⁸

Delahay extended an invitation to "all good, law-abiding citizens," irrespective of region of origin, to bring to Kansas their skills, experience, capital, and democratic good will to help build the territory. Common development could be the basis on which people united in Kansas. "[W]e want business men with capital, farmers with cattle, horses and mules; enterprising young men, mechanics; es-

pecially brick makers, plasterers, stone masons, coal heavers, iron masters, blacksmiths, in fact, all the branches of legitimate trade will find encouragement in Leavenworth City." The divisive issue of slavery, he reasoned, should not be allowed to divert residents from the important task before them. "Good citizens from East, West, North and South will be welcome among us."¹⁹

To this kind of democracy, to the federal union, extremism was a deadly foe. The *Register* declared itself against all "isms." It sought to unite all people who opposed fanaticism and wished quietly and amicably to build the society and economy of the territory. "[M]iserable and wretched fanatics" threatened this process in the territory. Delahay, however, was slow to recognize the extremism of the proslavery faction. Because he had not experienced the earlier problems in illegal Missouri voting, in particular in the crucial election of March 1855, he was not yet savvy about Kansas politics. Proslavery partisans from Missouri voted fraudulently at that election, thus electing an almost completely proslavery legislature. The few antislavery advocates in it were soon ousted, and to the free-state people this legislature was "bogus." The election was crucial because these legislators would write the first territorial laws, an important step toward determining whether Kansas would be slave or free. In its first weeks the *Register* decried extremists but did not attack the fraudulent elections, the "bogus" legislature, or other extremist measures.²⁰

Initially, Delahay saw abolitionists as true extremists. He accepted as truth the rumors about the New England Emigrant Aid Society flooding the territory with their pawns and causing unnecessary political chaos. To him slavery was legal in the United States, and the question of its transplantation to Kansas did not constitute a political issue. The abolitionists, like other fanatics, were not law abiding. He feared the impact of abolitionist actions and propaganda on the peace of the community, and he recognized the threat to his beloved nation. In his words, "Still we know there are those that would dissolve and repudiate the ties that bind us together as one people." Irrational, destructive reactionaries could only impact Kansas adversely. He warned those who sided with the ex-

16. "Bogus Democrats"; "Prospectus of the Kansas Territorial Register."

17. "Prospectus of the Kansas Territorial Register."

18. "Coming to Kansas," *Kansas Territorial Register*, July 21, 1855.

19. Ibid.

20. "Our Position," *ibid.*, July 28, 1855; "Abolition Excitement," *ibid.*, August 18, 1855.



In Delahay's opinion, slavery was an economic question, and choosing it as a form of labor should depend upon climate and soil. Delahay did not think Kansas was suited to growing crops that required slave labor, and for that reason believed slavery would not succeed in the new territory. This sketch illustrates slavery as a labor force on a Southern plantation.

tremists "because of their perverseness they subserve faction and give consequence to the unhallowed tread of the fanatic in his march, polluting society whenever and wherever he finds the same."²¹

Although the *Register* was to become a major voice of the free-state movement, it did not embrace the moral antislavery position. To Delahay slavery was not a political issue; it was an economic question, a matter of "dollars and cents." Slaves, in his view, were property, and whether or not one chose slavery as a form of labor should depend on climate and soil. Was Kansas suited to growing crops with slave labor? Delahay himself did not think it was and did not believe slavery would succeed. However, as long as it was legal, slaveholders had a right to settle there, and the government had an obligation to protect them.²²

Delahay's position on slavery was typical of many who became free-state supporters and leaders. He accepted the existence of slavery and saw no problem with slaveholders moving to Kansas with their slaves. On one occasion he urged slaveholders to move to Kansas and "bring your . . . negroes." Indeed, he argued that slavery (like freedom) was legal in Kansas until the people decreed otherwise. As a legal institution it required protection until it

might be abolished. He approved of the Fugitive Slave Law as part of that protection. When the *Register* ran several stories on runaway slaves that it had taken from other newspapers, it included the point, without disputing it, that "the improper conversation of some, and down-right advice of a few men, had tended to induce these deluded slaves to prove faithless to kind and indulgent masters, who have their temporal and spiritual welfare more at heart than the miserable and wicked fanatics that incite them to run away." Until the people of Kansas decide to abolish slavery, Delahay argued, the legislature had to protect all property, and that included slave property. He even urged

passage of a law that would punish anyone guilty of printing material "pernicious to the relation of master and servant." At the same time Delahay consistently held that Kansas could create a free state, and if the people chose it, all real Democrats should accept their decision. Above all, popular sovereignty upheld the right of the people to govern. Real democracy meant protecting the property of people from the South as well as the North, people from all parts of the country.²³

Because Delahay knew that western men who settled in Kansas feared the impact of slavery on free labor, he felt compelled to reassure them. They believed that slave labor lowered the status of free labor and diminished its economic rewards. To them Delahay responded, "Slavery will never have in Kansas, any more than in Missouri, such an effect as to render the labor of poor white men disreputable." Although he obviously believed that slaveholders should have an equal chance to settle in Kansas, he doubted many would, and the few who settled there would have little impact on economy and society.²⁴

Not surprisingly, Delahay's concept of race was consistent with his view of slavery. It was the same as that of the majority of settlers who moved to Kansas from the "Old Northwest" so convincingly described by a number

21. "Friends of the South."

22. "Bogus Democrats."

23. "Coming to Kansas"; "Abolition Excitement"; "Our Position."

24. "Our Position."

of historians. Although he did not state outright that he considered blacks inferior, many of his statements indicated he did. At one point he proclaimed, "We know of no difference, except in price, in buying a negro or a horse." When making a point he often carried articles from other newspapers without disputing their position. In August he published an article outlining in detail the platform of General John A. Quitman of Mississippi. Quitman believed slavery "not only right and proper, but the natural and normal condition of the superior and inferior races, when in contact." Delahay found slavery acceptable if the majority preferred it.²⁵

Although initially Delahay saw only abolitionists as fanatics, he soon discovered that danger lay elsewhere. He quickly faced extremism from unexpected quarters and witnessed the active organization of a proslavery party by men who came to Kansas as Democrats. In an article entitled "Bogus Democrats," Delahay accused proslavery advocates in Kansas of falsely claiming to be Democrats. They made slavery paramount to the party, the party subservient to slavery. By doing so they perverted the party platform, which had always protected "all interests" in the country. He chided their misplaced loyalties: "nothing . . . has higher claims upon our loyalty than that party," and he believed that a focus on slavery created "clouds of disunion," but the broad reach of the party made it the "great unifier."²⁶

To underscore the point, Delahay wrote: "We, for ourselves, denounce the organization—we deny that any such party as pro-slavery is necessary in Kansas Territory." He then printed a letter to the editor whose author claimed to have attended a recent proslavery meeting. He had been amazed to see the proslavery men calling for all to come forward and stand on the platform together—but it was a platform with only one plank! "I would ask the gentlemen," he wrote, "how many of his fire-eating, blind stripe

25. Berwanger, *The Frontier Against Slavery*, 100–1; Malin, "The Topeka Statehood Movement Reconsidered," 49; Cecil-Fronsman, "'Advocate the Freedom of White Men, As Well as That of Negroes,'" 113; "Democratic Party in Kansas," *Kansas Territorial Register*, July 28, 1855; "General Quitman's 'Platform,'" *ibid.*, August 25, 1855. Delahay's sentiment is nearly identical to one attributed to James H. Lane, who, en route to Kansas Territory, reportedly said "that he would as soon buy a negro as a mule, and that the question of the success of slavery in Kansas depended upon the suitability of the county to produce hemp." See Wendell Holmes Stephenson, *The Political Career of General James H. Lane* (Topeka: Kansas State Historical Society, 1930), 42; William E. Connelley, *James Henry Lane: The "Grim Chieftain" of Kansas* (Topeka: Crane and Co., 1899), 46.

26. "Bogus Democrats."

men could maintain an upright position upon his platform." The idea that these men could call themselves Democrats incensed Delahay when "that party . . . has ever eschewed faction and opposed the isms of the day; that party that knows no locality, save the whole country, comprehending and protecting every interest known to the constitution and the laws; that party that has ever been the *mediator* in our country's distress." He also opposed the undemocratic nature of this position: "Certainly a party of *one idea, one plank*, and sectional as well as personal, never can wish the people to govern themselves." In his view the solution in Kansas was to let the "conservative influence of the great Democratic party" work.²⁷

In strategic terms, if Kansas became a free state, it posed serious problems for slavery in Missouri and the South. A free Kansas meant that free states would border Missouri on three sides. Such a position not only isolated Missouri, it made runaway slaves more likely. This geographical situation would facilitate both supplying propaganda to slaves on the western border, where most Missouri slaves lived, and directly enticing them into Kansas. It also would provide a perfect location from which to propagandize against the extension of slavery west. Proslavery advocates feared a free Kansas would make the extension of slavery to the Southwest much more difficult.²⁸

More immediately, proslavery leaders in Kansas realized that slavery was a very fragile institution. They believed that laws had to be in existence to protect the institution before slaveholders would bring slaves into the territory. This meant they had to acquire immediate and complete control of the territory's political and economic systems. They felt they needed to preempt the region's main economic resources before others could compete for them. These resources included access to the best water and agricultural land, and, in particular, the scarce timber. In addition, obtaining the best potential townsites would allow them to exercise some control over market activities and produce great speculative profits. Finally, and most significantly, they needed to control the first legislature so that laws could be passed to protect slavery to attract slaveholders and their fragile property to Kansas.²⁹

The proslavery forces had activated their strategy by organizing illegal voting in the first two territorial elec-

27. *Kansas Territorial Register*, September 15, August 4, 11, 1855.

28. James C. Malin, "The Proslavery Background of the Kansas Struggle," *Mississippi Valley Historical Review* 10 (December 1923): 285–305.

29. *Ibid.*

tions. In the first (November 1854) they elected a proslavery delegate to promote their position in Congress, and in the second (March 1855) they gained control of the legislature. They could now pass laws protecting slavery and use them to induce slaveholder migration to Kansas. If successful they would be able to make Kansas another slave state.

Leavenworth obviously was one of the most important economic sites in the territory. Not only did it promise to develop as the largest town in the territory, but also it immediately succeeded as an overland outfitting center with the arrival of the great freighting firm of Russell, Majors and Waddell. The town sat at the small end of the funnel for news, information, and goods moving into the territory, which contributed to its significance. The plan to control the economy of the territory demanded control of Leavenworth and other townsites. Therefore, losing Leavenworth would hurt the proslavery plan.

Delahay's *Register* threatened to complicate the proslavery works. Even though Delahay accepted slavery, his emphasis on popular sovereignty would diminish the success of control through illegal voting and intimidation. His recruiting could impel many Democrats to organize and support a moderate policy on slavery and in particular attempt to control Leavenworth city politics. By drawing supporters away from the proslavery party, Delahay's approach to politics threatened implementation of its plan. His emphasis upon consensual politics, tolerance of differences, and the democratic process obviously contradicted the tactics used by the proslavery party in Kansas. Under such conditions the proslavery plan was unworkable. People who had taken such an extreme position could hardly tolerate building a middle road, and hence they began to take on Delahay.

This struggle early in the territorial period reflects the unformed character of opinions and organization there. A straight line cannot be drawn from the fraudulent elections in March 1855 to a clear-cut division between proslavery and antislavery forces in Kansas. The majority of settlers had not made up their minds, but neither had their leaders. New settlers immigrating to the territory in the spring and summer exacerbated the situation. They, like Delahay, had not experienced the earlier conflicts, and the direction that development of loyalties and divisions would take remained uncertain.³⁰

Popular sovereignty was the first victim of the proslavery strategy. The people in Kansas Territory, the proslavery partisans believed, could not be trusted to deliver proslavery control of the legislature; hence the fraudulent voting on March 30. Now Delahay offered a political philosophy to unite all who remained unconvinced of the need for proslavery control. The proslavery *Kansas Weekly Herald* of Leavenworth began attacks on Delahay and freedom of the press that would culminate in sinking the *Register's* printing press beneath the ice on the Missouri River late in the year.

One wonders why proslavery leaders would drive away such people as Delahay who seemed congenial to their interests. The answer lies in their rejection of popular sovereignty. In their view letting the people decide would be disastrous. The first stages of territorial development required the power of complete control if slaveholders hoped to consider transplanting slavery to Kansas.

Sparks began to fly in late July, and the *Kansas Weekly Herald* and the *Atchison Squatter Sovereign* commenced an attack on the *Register's* position. According to Delahay,

They pronounce the old issues of Democrat and Whig *obsolete*—affix to them the appellation of “old fogysm”—consider them entirely inapplicable to the wants of the Territory, and even calls the man *foolish* and *sinister* in his purposes who seeks to revive them—that all questions are swallowed up in the one of slavery.

In no uncertain terms these proslavery papers proclaimed their extremist position: all that mattered was making Kansas a slave state.³¹

This was the first direct engagement between Delahay and the proslavery forces on the border. He still tried to steer what he considered a moderate course, arguing that “while we acknowledge the interest of slaveholders as worthy of all attention, we think those interests as safe in the hands of the Democracy as in those of a self-constituted party—a faction who assume to be the especial guardians of that species of property.” To the proslavery argument Delahay gave a popular sovereignty answer. “We take the broad ground that no *pro-slavery* or *anti-slavery* party is necessary in this Territory.” The best interests of all in the territory would be “to end this political slavery-*ism*—to follow the spirit of the Kansas and Nebraska bill by ceasing the agitation of the subject.”³²

30. Malin, “The Topeka Statehood Movement Reconsidered,” 41–45.

31. “Our Position.”

32. *Ibid.*

Can you not see, he argued, "When you assume that it is necessary to agitate, you thereby assume that right or title to slave property is in doubt. Slave owners will reason thus; and few prudent men will bring their property into a country where their right to hold it is questioned in the heated arena of political squabbles." Delahay accepted the legitimacy of slavery and of the right of Kansans to make a slave state. To him the proslavery extremists not only acted to prevent popular sovereignty from working, but they invited failure as well. The proslavery press's agitation is

but doing what is most of all things desired by the fanatical Abolitionists of the country. Their doctrine is *agitation*—make a noise about slavery, and you scare the slaveholder—you alarm his pocket, and you force him, through fear, to gradually emancipate his property in order to escape a total loss.

The "misguided zeal of some of the friends of slaveholders," Delahay argued, is playing into the hands of the abolitionist.³³

Although the sparks between moderates and the ultra proslavery parties did not catch flame in July, a fire had been kindled that would become a conflagration. Delahay pressed continually harder for organization of the Democrats. Those interested set the end of August as the time to meet in Tecumseh to form a party. Delahay, knowing strong supporters resided in Leavenworth, continued to make the case for the party in the *Register*. But he now recognized that the proslavery extremists in and around Leavenworth posed as great a danger to democratic government as did the abolitionists.

Both the *Atchison Squatter Sovereign* and the *Kansas Weekly Herald* attacked Delahay's campaign to organize the Democratic Party in Kansas. While the proslavery partisans strategized to derail the organizing movement, they needed to attract moderates or push them into a more extreme position. They recognized that their constituency would be drawn from Democrats, and a separate party threatened the proslavery party's success. Moderation could not adequately secure a slave state, and to justify their high-handed and fraudulent activity, proslavery supporters argued that, until the character of social institutions in Kansas was fixed, no question, no goal, could be more important than establishing slavery. They already

Democratic Mass Convention!!!

The Democrats of Kansas Territory, who are in favor of an immediate organization of the Democratic party, are requested to meet for that purpose, in convention, at the town of TECUMSEH, ON THURSDAY, THE THIRTIETH DAY OF AUGUST, 1855, and there take such action as will tend to advance the Democratic cause in Kansas, by the organization of that party which has everywhere shown itself to be the conservator of law, of liberty, and of property.

In the August 15, 1855, issue of the *Register*, Delahay rallied his readers to attend the mass convention in Tecumseh "and there take such action as will tend to advance the Democratic cause in Kansas." Nothing, he pronounced, "has higher claims on our loyalty than that party."

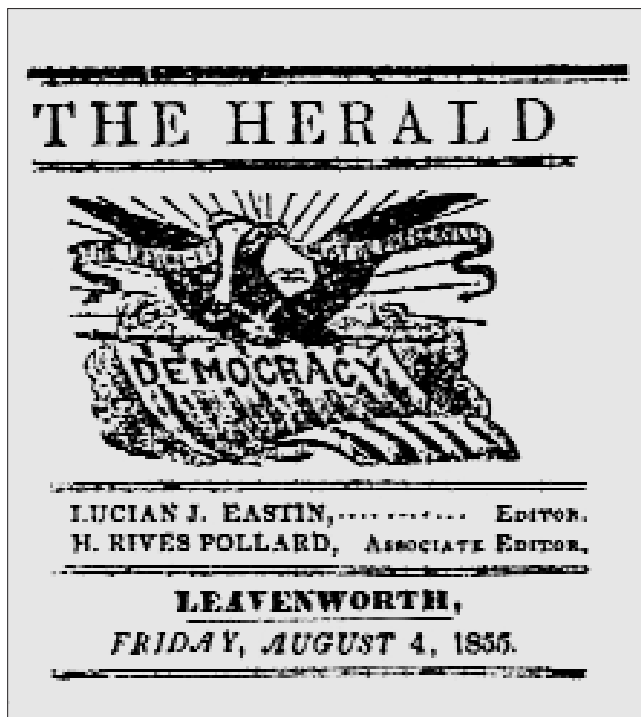
showed movement toward a more coercive position by painting anyone who disagreed, even as mildly as Delahay, as sinister and traitorous.³⁴

But Delahay was undeterred. He continued to champion popular sovereignty, which represented the highest values of the nation and his party. The issue at stake, he declared, was nothing less than the people's right to govern themselves.

The *Register* tried to rally Democrats in Leavenworth against extremism. Delahay reasoned that these extremists were Democrats who had lost their faith in the power of the Democratic Party "to sustain the rights of slaveholders." He did not understand that the proslavery plan demanded that slavery be the only issue and that its fundamental assumption was that the people could not be trusted to deliver the control needed to ensure the successful transplantation of slavery to Kansas. In the proslavery plan, only by controlling the lawmaking process, making the necessary laws, and creating a system that ensured the enforcement of laws protecting slavery could they create the stability that would attract slaveholders with their slaves. Only then would slavery in Missouri and the ability to extend slavery into the Southwest be protected. But Delahay, who would acquiesce in a popularly chosen slave society, was indignant at the scorn heaped on the Demo-

33. Ibid.

34. *Kansas Territorial Register*, August 11, 1855.



National Democracy Rebu- ked

Although Mr. Delahay, not many weeks since stated through the columns of his paper that his idea of a Democratic organization in Kansas met with a general approbation among the people, we are gratified to know that such is not the case.—His proposition is rebuked on every side by pro-slavery men, and has been repudiated in the promptest and most unequivocal language by every pro-slavery paper in this Territory, with the exception of the Kansas Pioneer, which we are sorry to say, has so far maintained a profound silence on the subject. Among the many leading

Both the Squatter Sovereign of Atchison and Leavenworth's Kansas Weekly Herald attacked Delahay's campaign to organize the Democratic Party in Kansas. The August 4, 1855, issue of the Weekly Herald printed an article entitled "National Democracy Rebuked" and followed it two weeks later, in the August 18 issue, with a challenge to Delahay to "cite a single instance where his proposition for the organization of a Democratic party in Kansas has met with the approbation of a pro-slavery paper."

cratic Party. "[T]he exigencies of the time do not call for the existence of any further organization than we find already all over the Union," he insisted.³⁵

To Delahay this proslavery extremism was exceedingly dangerous. It would destroy the rights of individuals and the quiet of the country. "What is the true policy of slaveholders in Kansas? And we may add, of those who do not and will not own slaves."³⁶

As part of the debate over loyalty to slavery and to the proslavery position in Leavenworth, H. Rives Pollard, associate editor of the *Kansas Weekly Herald*, decided to test the *Register's* political loyalties. No doubt he thought forcing Delahay to state his position on proslavery goals and tactics would reveal his true colors to the public. His tests also might be construed as an attempt to force Delahay to move closer to the proslavery position. According to Delahay, the *Herald* posed two questions to him and required only a yes or no answer to each.

Pollard first asked a key question that not only involved the issue of popular sovereignty but also tested Delahay's commitment to creating a slave state. He wished to know if the *Register* opposed "the course of the Missourians in coming into Kansas to vote at the Spring election." Delahay's reply reflected a continued effort to maintain a position between the two extremes in the territory:

if that interference in Kansas affairs was based upon a just and honest apprehension that this Territory would *otherwise* fall into the hands of *Abolitionists*, sent here by the Massachusetts Aid Society, that it finds a full justification; for, in our opinion, no *calamity* so great could possibly befall this Territory as Abolition rule would inevitably bring.³⁷

Delahay again made it clear that he still thought a popular sovereignty solution best for the territory. "A political colonization of the Territory for the sole purpose of giving cast to institutions under which we hope to live, either by Massachusetts or Missouri, will meet with disfavor . . .

35. "Our Position"; Malin, "The Proslavery Background of the Kansas Struggle."

36. "Our Position."

37. *Kansas Territorial Register*, August 4, 1855.

from all good, law-abiding citizens, as well as from us." The question of slavery as well as every other significant issue should be resolved by people of the territory.³⁸

Pollard's second question involved an incident that had angered many people in Kansas. In May 1855 proslavery extremists, in a vigilante group with Pollard as one of the prominent leaders, had captured William Phillips of Leavenworth. They considered Phillips a notorious leader of a group of citizens who formally protested the fraudulent elections in March. The vigilantes abducted Phillips on May 17, carried him into Missouri, tarred and feathered him, shaved half his head, and sold him at auction for a few cents to an elderly African American man. Did Delahay approve, Pollard asked, of treating enemies of proslavery control in Kansas in this way?³⁹

Delahay's answer seemed equivocal on that disgraceful affair. He hedged, asking whether this had been a private or public act. If it were declared a public act, the *Register* would take a position readily. If a private act, Delahay wrote, he would be implying that it was illegal, and "if it should be our fortune to be one of the jury, to try the editor of the *Herald*" or anybody else engaged in the transaction, we would render an opinion. He believed, however, that this should not be a political test; rather it tested whether Kansans were to be law-abiding people.⁴⁰

In his next article Delahay again hit hard against proslavery extremism and the single issue tack they took. They are wrong, he argued, to "make slavery paramount to every other interest" and to ignore all other topics and principles. And they are wrong "to ignore the Democratic party" that does engage the larger picture and to "regard it as *secondary* and *subservient* to the *single sectional question of slavery*."⁴¹

A call for a "Democratic Mass Convention!!!" revealed solid support for the party. The sixty-eight people who signed the call came predominantly from the eastern part of the territory. At least nineteen resided in Leavenworth. As August 30, the date for the convention, approached, the *Register* pushed hard to rally people to the democracy. Delahay emphasized the tried and true principles of the party and stressed their value in the Kansas situation. It has protected and will continue to guard "every interest of this

great country." The party has stood up to every movement and those who push toward disunion will find it a "stern foe." In Kansas it alone stood for a political process that protected all interests and sought to harmonize them.⁴²

At the same time, news spread about the character of the extreme laws passed by the territorial legislature that were certain to divide people even further. To implement the proslavery plan the legislature wrote an excessively stringent slave code that, for example, demanded the death penalty for one who "shall entice decoy or carry away . . . any slave belonging to another." Other parts of the slave code curbed freedom of speech and of the press. County officers who would enforce these laws were to be appointed. The legislature rather than the electorate would appoint county officers to enforce these laws. Delahay berated the laws because they conflicted directly with the United States Constitution—they "were not in consonance with the freedom of the press, free speech, and a sound public opinion." In short, the legislature had taken away their political freedom. Later Delahay would characterize the proslavery leaders who produced these laws as "the thickest and wildest uncurbed fanatics."⁴³

The proslavery laws were certain to move people into new political stances. The last act of the legislature struck directly at the moderates who were, at that very time, moving to organize the Democratic Party on August 30. On the last day of the legislative session, the lawmakers, recognizing the danger to their control, hit hard at the nascent movement to organize the Democratic Party. They passed a resolution asserting that the party in Kansas threatened disunion. Obviously the proslavery legislature believed that the party's organization seriously threatened their control and therefore the proslavery strategy for controlling Kansas.⁴⁴

John H. Stringfellow, editor of the territory's most extreme proslavery newspaper, the *Squatter Sovereign*, presented the resolution. "Whereas, the sigus [*sic*] of the times indicate that a measure is now on foot fraught with more danger to the interests of the Pro-slavery party and to the Union than any which has yet been agitated, to wit: To or-

38. Ibid.

39. Ibid.

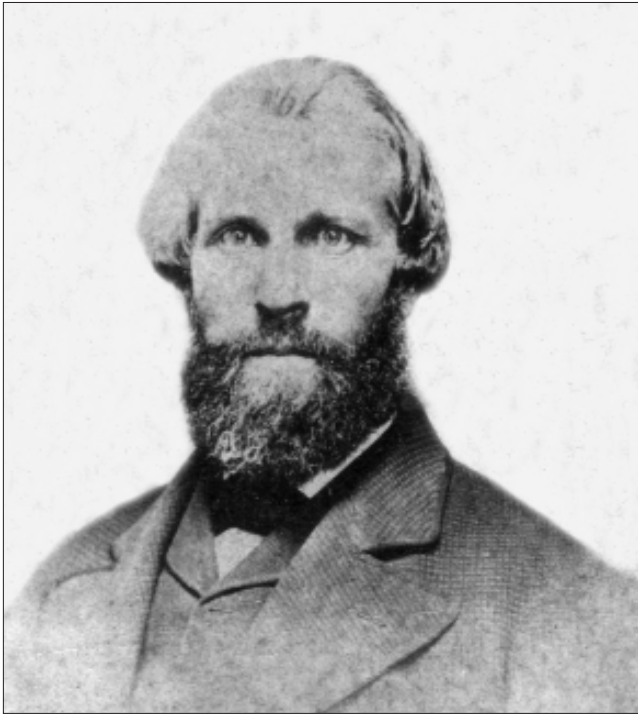
40. Ibid.

41. "Bogus Democrats."

42. "Democratic Mass Convention!!!," *Kansas Territorial Register*, August 18, 1855; "Bogus Democrats."

43. "Bogus Democrats"; "Trouble for Gov. Shannon," *Kansas Territorial Register*, October 6, 1855.

44. William G. Cutler and Alfred T. Andreas, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883), 1: 105–6.



According to Robert G. Elliott, the self-proclaimed originator of the convention at Big Springs in September 1855, the race question was crucial in deciding if a Democratic Party would be formed in Kansas, or if large numbers of convention attendees would defect to the proslavery ranks.

ganize a national Democratic party" in Kansas. From the legislature's point of view, the threat seemed to be democratic principles as exemplified by popular sovereignty. If the people were allowed to decide whether to have a slave state, then the proslavery party would lose the power it needed to make the territory safe for slavery. If other parties existed, the proslavery party would be seriously weakened. As Stringfellow put it, "The result will be to divide Pro-slavery Whigs from Democrats, thus weakening our party by one-half." Since the "perpetuity of the Union" depended on proslavery power, the legislature resolved "That it is the duty of the Pro-slavery party, the Union men of Kansas Territory, to know but one issue, Slavery, and that any party making or attempting to make any other is, and should be held, as an ally of abolitionism and disunion."⁴⁵

This body, elected by fraud, thus attempted to defeat its rivals by intimidation and proscription. No doubt they believed that disunion would result if they lost. The logic becomes tangled, however. Because Kansas seemed so crit-

ical to the safety of Missouri and to the extension of slavery into the West, the slavery advocates believed complete control of Kansas was necessary whatever the means used to achieve it. Since the Democrats, too, sought to preserve the Union, logic indicates the proslavery party would make the single issue central and push its opponents into radical opposition, even if it destroyed the Union.

When the Leavenworth Democrats went to Tecumseh, they found their quest was lost. The two radical opposing elements and the redefinition of dividing lines caused unstable political identity in the territory. Old loyalties did not fit when opponents accepted conflict instead of harmony and struck flint on differences instead of damping them down. The situation forced people to group themselves solely on the basis of slavery because of the actions of both the proslavery and antislavery extremists, according to Delahay. People's loyalty seemed to shift week to week as new issues arose. The Democrats meeting at Tecumseh were unable to organize the party.

The collapse of the National Democratic movement left few alternatives. The decision whether to take the extreme position and arm to prevent slavery or to try a more moderate solution clearly divided people in Lawrence. A cleavage already had developed there between westerners and easterners, in part over cultural issues. Nor was the Leavenworth contingent certain of the direction affairs should take. Although the movement to establish the Democratic Party had collapsed, Democrats still wanted a pacific and moderate settlement of the issues, not one that threatened civil war. Some active in promoting the National Democratic Party but supportive of slavery chose now to break off and join the proslavery column. Earlier meetings in Lawrence had called for a convention to meet at Big Springs and organize a party irrespective of previous affiliation. Those who accepted the possibility of a free-state movement but feared the impact on race relations attended the meeting. According to Robert G. Elliott, the self-proclaimed originator of the meeting, the fluid group alliances shifted with each new political development.⁴⁶

Nevertheless, representatives of these different factions from across the territory met on September 5, 1855. As Elliott characterized it, this movement arose because of

45. Ibid.

46. Elliott, "The Big Springs Convention," 368, 370, 371. Malin, "The Topeka Statehood Movement Reconsidered," 43–50, follows Elliott on this point.

the “crushing situation threatening from opposite sides” that pushed members to seek a unified response to the threat. Moderates from Leavenworth journeyed to Big Springs hoping to find “conservative” compatriots at this “non-partisan people’s convention.” Development of an organized, workable group necessitated significant compromises. As Elliott, one of the secretaries of the convention, noted, the gathering was a “council charged with the harmonizing of the most diverse elements, drawn together by the pressure of an overshadowing issue, and banding them for the coming struggle.” One of the most powerful issues concerned future control of race relations if slavery were abolished. A decision was crucial because, as Elliott saw it, the race question decided whether these diverse people at Big Springs would join together to form a party or whether large numbers would defect to the proslavery ranks. The majority of people who traveled to Big Springs wanted black people in Kansas only as slaves controlled by masters. If not, they insisted upon excluding them from the future state. Rather than resolve to make exclusion a tenet of the party, however, the group agreed to let the free-state people in the territory vote on exclusion.⁴⁷

Because of the extent of differences in the population in Kansas, a compromise that united people unwilling to join either the extreme proslavery or antislavery groups was difficult to reach. Most people preferred a moderate course, but many issues still divided them. As Elliott labored with others to create a Free State Party, he saw a number of significant differences that held people apart. Delahay’s description of the Democrats’s moderate course illustrates one such issue. Another was the clear dislike that westerners and easterners held for each other. The third and most significant issue was race. Should Kansans maintain slavery as an institution to control race relations, make African Americans free or free and equal, or abolish slavery but exclude blacks from the state? Finally, what form should the movement take? Should it create a party

FREE STATE CONVENTION!

Big Springs, Wednesday, Sept. 5th '55,

All persons who are favorable to a union of effort, and a permanent organization of all the Free State elements of Kansas Territory, and who wish to create upon the broadest platform the recognition of all who agree upon this point, are requested to meet at their several places of holding abode, to their respective districts on the 25th of August, instant, at one o'clock, P. M., and appoint five delegates in each representative to which they were entitled in the Legislative Assembly, who shall meet in general Convention at

at 10 o'clock A. M., for the purpose of adopting a Platform upon which all may act harmoniously who prefer Freedom to Slavery. The nomination of a Delegate to Congress, will also come up before the General Convention.

Let no sectional or party issues divide us; no personal animosities divide them. Union and harmony are absolutely necessary to success. The pro-slavery party are fully and effectually organized. No just and fair issue divide them. And to contend against them successfully, we also must be united. Without presence and harmony of action we are moving in fact. Let every man then do his duty and we are certain of victory.

All Free State men, without distinction, are earnestly requested to take immediate and efficient steps to insure a full and correct representation for every District in the Territory. —(Herald of Freedom, printed for the Free State Party.)

By order of the Executive Committee of the Free State Party of the Territory of Kansas, in full convention at Lawrence, Aug 14th and 16th, 1855.

J. K. GOODIN, Sec'y. **C. ROBINSON, Chairman.**
Herald of Freedom, Print.

Although the Free State Convention produced a platform for a free Kansas, the writers preferred a free white state. The platform also promised fairness to slaveholders already in the territory and assured Kansans that the Free State Party was not abolitionist.

to contest control of Kansas? Create a free-state constitution and apply to Congress for admission? Or, as some of the more radical people argued, should Kansans create an alternate government?⁴⁸

The convention produced a platform for the Free State Party that must have pleased the Leavenworth contingent greatly. This moderate document emphasized the desire for self-government and for republicanism. As James H. Lane, chairman of the platform committee, declared, “we find ourselves in an unparalleled and critical condition, deprived by a superior force of the rights guaranteed by the Declaration of Independence, the Constitution of the United States and the Kansas Bill.” Although the platform stated that Kansas would be free, the writers also preferred a free white state. The platform, however, promised fairness to slaveholders already in the territory. It stated that a “fair and reasonable provision” would be made to “protect the masters against total loss.” To maintain harmony, they agreed that “excluding all negroes . . . should not be regarded as a test of party orthodoxy.” The platform assured Kansans that the party was not abolitionist.⁴⁹

47. Elliott, “The Big Springs Convention,” 368, 371, 373; Berwanger, *The Frontier Against Slavery*, 111.

48. Malin, “The Topeka Statehood Movement Reconsidered,” 43–50; Berwanger, *The Frontier Against Slavery*, 97–122.

49. Malin, “The Topeka Statehood Movement Reconsidered,” 44–45.

Mass Meeting in Leavenworth City.

In accordance with a previous notice, a large and enthusiastic meeting took place on Tuesday evening, the 18th inst., on Delaware street, to take into consideration the expediency of forming a State Constitution for Kansas. The meeting was entertained with an interesting speech by Col. J. H. LANE, who distinguished himself at Buena Vista; and as a member of the last Congress from Indiana, voted for the Kansas-Nebraska bill in its whole passage through Congress. Col. L. warmly advocated the formation of a State Constitution, and was enthusiastically cheered by the meeting.—

Although Delahay had openly criticized extremists on both sides of the slavery issue, by September 1855 he appears to have developed respect for radical James Lane. Lane had come to Leavenworth on September 18 to speak at a meeting to select delegates to the Topeka Constitutional Convention. At this meeting, on the streets of Leavenworth, a cheering crowd selected six delegates, one of which was Mark Delahay. This article about the Leavenworth gathering appeared in the September 22, 1855, issue of the Kansas Territorial Register.

In separate actions, the Free State Party did produce more radical resolutions. Historian James Malin has argued that the party enacted these to satisfy the more radical anti-slavery people, and they did not have the force of the platform.⁵⁰ The strength of a few of these resolutions sent some people into the proslavery ranks. One resolution in particular stands out:

Resolved, That we will endure and submit to these laws [made by the bogus legislature] no longer then [sic] the best interests of the Territory require, as the least of two evils, and will resist them to the bloody issue as soon as we ascertain that practical remedies shall fail, and forcible persistence shall furnish any reasonable prospect of success; and that in the meantime, we recommend to our friends throughout the Territory, the organization and discipline of volunteer companies and the procurement and preparation of arms.⁵¹

50. Ibid., 47.

51. Ibid.

On the issue of statehood over which free-state people disagreed, the committee reported unanimously that the statehood movement was “untimely and inexpedient.” A canvass of delegates led the committee, headed by Elliott, to believe that few, except those from Lawrence, favored admission. Lawrence resident John Hutchinson proposed a substitute motion that passed after an hour of speeches. Immediately the committee called for delegates to meet at Topeka on September 19–20 to decide if the party would institute a movement for statehood by writing a state constitution.⁵²

In early September, Delahay was still lashing out at both proslavery and antislavery extremists. It is possible that word of the resolutions from the Big Springs Convention did not reach him before he published his September 8 edition. But since Marcus Parrott, a prominent Democrat from Leavenworth, was one of the delegates, it seems likely that he would have conveyed the news to Delahay on his return. Nevertheless, the editor struck out at the radical “bloody issue” resolution passed at the Big Springs meeting. Not until September 22 did Delahay finally refer to the free-state movement; then he did an abrupt about-face.⁵³

The *Register* reported that James Lane had come to Leavenworth to speak at a meeting on September 18 to select delegates to a constitutional convention to be held in Topeka the following day. The “Mass Meeting in Leavenworth City” was “a large and enthusiastic” gathering on Delaware Street. They met “to take into consideration the expediency of forming a State Constitution for Kansas.” Delahay wrote in very warm terms about the visit from Lane, a National Democrat and a “conservative” man. “Col. L. warmly advocated formation of a State Constitution, and was enthusiastically cheered by the meeting.” At this open-air meeting on one of Leavenworth’s main streets, the cheering crowd selected six delegates to the convention to decide whether or not to take this momentous step toward statehood. Four of the six delegates were National Democrats. Delahay was one of them.⁵⁴

52. Elliott, “The Big Springs Convention,” 373–74; Malin, “The Topeka Statehood Movement Reconsidered,” 52–53.

53. *Kansas Territorial Register*, September 8, 15, 1855; “Mass Meeting in Leavenworth City,” *ibid.*, September 22, 1855.

54. “Mass Meeting in Leavenworth City.”

This seems an extraordinary shift within three weeks of the failure of democratic organization. On the other hand, Delahay had been pummeled by the political extremes as he cut a middle road. Since Delahay left few private papers, we cannot trace his private thoughts. It is telling that the formation of the Free State Party was the work of “conservative” men, according to Elliott, a key organizer of the movement. The Free State Party stood on ground that represented the beliefs of men from western and border states. If African slaves were not controlled by slavery, these men wanted them excluded from the state. While Delahay did not want all issues to be swallowed up by the question of slavery, he could see that little choice remained. The new party did not ask people to give up their old allegiances, only to put them aside until the slavery question had been decided. Finally, party resolutions emphasized the fight for self-government, freedom from outside interference, and a republican form of government. For these reasons, Delahay and other Leavenworth Democrats could feel at home in the Free State Party. When he returned from the Topeka convention, Delahay was convinced that the new party’s values were his own. “The hopes of conservative men centre [*sic*] here,” he wrote.⁵⁵

The ancient ideas of law, order, justice, truth and humanity—which most men cherish with an affection in proportion to their intelligence—are mixed up with, or rather dependent upon, the speedy and suc-

cessful issue of a State organization—such an organization will by its inherent force, slough off the evil legislation which now paralyzes the energies—physical and moral—of the country.⁵⁶

In Kansas, of course, the formation of the Free State Party, the increasing extremism of the proslavery party, and the progressive hardening of positions led to civil war in Kansas the following year. The free-state movement in the fall of 1855 did not represent the more extreme moral antislavery movement, however. Leavenworth moderates led by men such as Mark Delahay made up at least one quarter of the free-state support by the end of September. Their leaders, and other men like them in the territory, successfully put popular sovereignty at the center of the movement. Exclusion of African Americans from Kansas to create a free white state was a key issue for the party. The party resolved the issue by agreeing to submit it to a popular vote so that the people could govern. The free-state people of the territory overwhelmingly chose exclusion. Free-state leaders such as Mark Delahay also made the restoration of their rights—freedom of speech, freedom of the press, and the right to elect their own officials—all values central to democracy, their major rallying cry. While they fought for freedom and democracy, they were not yet willing to extend either to the African Americans among them.



55. Elliott, “The Big Springs Convention,” 362–77.

56. *Kansas Territorial Register*, September 29, 1855.